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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,178	07/19/2000	Donald J. Boulia	RSW9-2000-0054-US1	1042

7590 01/12/2004

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EXAMINER
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DUONG, OANH L

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 01/12/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

PR4

# Office Action Summary

Application No.

09/619,178

Applicant(s)

BOULIA, DONALD J.

Examiner

Oanh L. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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Claims 1-30 are presented for examination.

***Response to Arguments***

1. Applicant's arguments filed 10/21/2003 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., use of two channels) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant has not clearly defined in the claimed invention that channel(s) for receiving and transmitting is/are separate or different. Examiner has given the broadest reasonable interpretation of a receive and transmit channel(s) as a transmission path for transmitting and receiving data to and from the first component (HTTP tunnel mechanism) on a client side of the network connection.

As a result, cited priors do disclose a system for sending Transmission Control Protocol (TCP) messages though HyperText Transfer Protocol (HTTP) systems, as broadly claimed by the applicant. Applicant clearly has still failed to identify specific claim limitations that would define a clearly patentable distinction over prior arts.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by

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combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Erickson does not explicitly teach HTTP GET request. However, Fielding discloses HTTP GET request (e.g., see page 43 section 9.3). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Erickson in view of Fielding because such GET request would allow to retrieve only information identified by the Request-URI. This would have reduced unnecessary network usage (Fielding, page 43, section 9.3).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4, 6-13, 15-22 and 24-29 rejected under 35 U.S.C. 102(e) as being anticipated by Erickson et al (Erickson) (US 6,412,009 B1).

Regarding claims 1, 19 and 28, Erickson teaches a computer program product for sending Transmission Control Protocol (TCP) messages through Hyper Text Transfer Protocol (HTTP) systems, (e.g., see fig. 4 and abstract), the computer program product embodied on one or more computer-readable media, comprising computer-readable program code means for establishing a send channel from a first component on a client side of a network connection, through one or more HTTP-based systems, to a second component on a remote side of the network connection (e.g., see fig. 3 col. 3 lines 3-29); computer-readable program code means for establishing a receive channel from the first component, through one or more HTTP-based systems, to the second component (e.g., see figs.3- 4 col. 3 lines 3-29 and col. 7 line 63-col. 8 line 4); computer-readable program code means for establishing a first TCP connection from a client on the client side to the first component (e.g., see col. 7 lines 45-50) ; computer-readable program code means for establishing a second TCP connection from the second component to a target server on the remote side (e.g., see col.7 lines 50-62); computer-readable program code means for transmitting client-initiated requests from the client to the target server on the send channel (e.g., see col. 2 lines 41-59); and computer-readable program code means for transmitting server-initiated TCP requests

from the target server to the client on the receive channel (e.g., see col. 5 lines 53-58 and col. 7 lines 30-41).

Regarding claims 2, 20 and 29, Erickson teaches computer-readable program code means for receiving a TCP request from the client at the first component on the first TCP connection (e.g., see fig. 3 col. 3 lines 18-20 and col. 3 line 66-col. 4 line 9); computer-readable program code means for packaging the received client-initiated TCP request in an HTTP POST request message (e.g., see col. 2 lines 41-47 and col. 8 lines 5-8); computer-readable program code means for sending the request to the second component on the network connection (e.g., see col.10 lines 4-5); computer-readable program code means for receiving the sent request message at the second component (e.g., see col. 10 lines 6-13); computer-readable program code means for extracting the client TCP request from the received request message (e.g., see col. 7 lines 45-53); and computer-readable program code means for forwarding the extracted client TCP request to the target server on the second TCP connection (e.g., see col. 7 lines 45-53).

Regarding claims 3 and 21, Erickson teaches computer-readable program code means for acknowledging the HTTP POST request by sending an HTTP POST response from the second component to the first component on the network connection (e.g., see col. 7 lines 3-15).

Regarding claims 4 and 22, Erickson teaches computer-readable program code means for receiving the response at the first component (e.g., see col. 7 lines 3-29); and computer-readable program code means for closing the send channel, responsive to

operation of the computer-readable code means for receiving the response (e.g., see col. 2 lines 11-15).

Regarding claims 6, 15 and 24, Erickson teaches means for performing operation on the second TCP connection and packaging the TCP request in the message (e.g., see col. 7 lines 30-41).

Regarding claims 7, 16 and 25, Erickson teaches means for sending request message from the first component to the second component (e.g., see col.10 lines 4-5); and means for receiving response at the first component (e.g., see 7 lines 3-13).

Regarding claims 8-9, 17-18 and 26-27, Erickson teaches a Multiple Purpose Internet Mail Extensions (MIME) type is set to binary/tcp (e.g., see col. 7 lines 3-29 and col. 8 lines 50-53).

Regarding claim 10, Erickson teaches a system for sending Transmission Control Protocol (TCP) messages through Hyper Text Transfer Protocol (HTTP) systems (e.g., see fig. 4 and abstract), comprising means for establishing a send channel from a first component on a client side of a network connection, through one or more HTTP-based systems, to a second component on a remote side of the network connection (e.g., see fig. 3 col. 3 lines 3-29); means for establishing a receive channel from the first component, through one or more HTTP-based systems, to the second component (e.g., see figs.3- 4 col. 3 lines 3-29 and col. 7 line 63-col. 8 line 4); means for establishing a first TCP connection from a client on the client side to the first component (e.g., see col. 7 lines 45-50) ; means for establishing a second TCP connection from the second component to a target server on the remote side (e.g., see

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col.7 lines 50-62); means for transmitting client-initiated requests from the client to the target server on the send channel (e.g., see col. 2 lines 41-59); and means for transmitting server-initiated TCP requests from the target server to the client on the receive channel (e.g., see col. 5 lines 53-58 and col. 7 lines 30-41).

Regarding claim 11, Erickson teaches means for receiving a TCP request from the client at the first component on the first TCP connection (e.g., see fig. 3 col. 3 lines 18-20 and col. 3 line 66-col. 4 line 9); means for packaging the received client-initiated TCP request in an HTTP POST request message (e.g., see col. 2 lines 41-47 and col. 8 lines 5-8); means for sending the request to the second component on the network connection (e.g., see col.10 lines 4-5); means for receiving the sent request message at the second component (e.g., see col. 10 lines 6-13); means for extracting the client TCP request from the received request message (e.g., see col. 7 lines 45-53); and means for forwarding the extracted client TCP request to the target server on the second TCP connection (e.g., see col. 7 lines 45-53).

Regarding claim 12, Erickson teaches means for acknowledging the HTTP POST request by sending an HTTP POST response from the second component to the first component on the network connection (e.g., see col. 7 lines 3-15).

Regarding claim 13, Erickson teaches means for receiving the response at the first component (e.g., see col. 7 lines 3-29); and means for closing the send channel, responsive to operation of the computer-readable code means for receiving the response (e.g., see col. 2 lines 11-15).



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5, 14, 23 ab 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson in view of Fielding et al (RCF 2068).

Regarding claims 5, 23 and 30, Erickson teaches means for sending a message from the first component to the second component on the network connection (e.g., see col.10 lines 4-5); means for receiving the message at the second component (e.g., see col. 10 lines 6-13); means for receiving a server-initiated TCP request from the target server at the second component on the second TCP connection (e.g., see col. 7 lines 30-41); means for packaging the received server-initiated TCP request in a response message (e.g. see col. 7 lines 35-39); means for sending the message from the second component to the first component on the network connection (e.g., see col. 7 lines 39-41); means for receiving the message a the first component and extracting the server-initiated request from the message (e.g., see col. 7 lines39-45); and means for forwarding the extracted server-initiated TCP request to the client on the first TCP connection (e.g., see col. 7 lines 42-45). Erickson does not explicitly teach HTTP GET request. However, Fielding discloses HTTP GET request (e.g., see page 43 section 9.3). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Erickson in view of Fielding because such GET

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request would allow to retrieve only information identified by the Request-URI. This would have reduced unnecessary network usage (Fielding, page 43, section 9.3).

Regarding claim 14, Erickson teaches means for a message from the first component to the second component on the network connection (e.g., see col.10 lines 4-5); means for receiving the message at the second component (e.g., see col. 10 lines 6-13); means for receiving a server-initiated TCP request from the target server at the second component on the second TCP connection (e.g., see col. 7 lines 30-41); means for packaging the received server-initiated TCP request in a response message (e.g. see col. 7 lines 35-39); means for sending the message from the second component to the first component on the network connection (e.g., see col. 7 lines 39-41); means for receiving the message at the first component and extracting the server-initiated request from the message (e.g., see col. 7 lines 39-45); and means for forwarding the extracted server-initiated TCP request to the client on the first TCP connection (e.g., see col. 7 lines 42-45). Erickson does not explicitly teach HTTP GET request. However, Fielding discloses HTTP GET request (e.g., see page 43 section 9.3). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Erickson in view of Fielding because such GET request would allow to retrieve only information identified by the Request-URI. This would have reduced unnecessary network usage (Fielding, page 43, section 9.3).

**4. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh L. Duong whose telephone number is (703) 305-0295. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

*AIL*

O.D  
December 30, 2003

*Hosain Alam*  
**HOSAIN ALAM**  
**SUPERVISORY PATENT EXAMINER**